

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Francisco Sanchez,
Et. Al.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

(c) Attorney's (Firm Name, Address, and Telephone Number)

Reginald Allen,
Esq., 7601 Crittendon St, Fl 2
Phila, PA 19148 (215) 242-3875

DEFENDANTS

City of Phila, Et. Al.
PO Nathan Reinas

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Philadelphia

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

City of Philadelphia Law Dept.

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

☒ PTF ☒ DEF

Incorporated or Principal Place of Business in This State

☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS---Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

Brief description of cause:

42 U.S.C. § 1983
False Arrest / Excessive Force / Torts

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

over \$157,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/13/2011

SIGNATURE OF ATTORNEY OF RECORD

Reginald Allen

SEP 14 2011

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

SEP 14 2011

JHS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Francisco Sanchez et al.
City of Philadelphia
ET AL.

CIVIL ACTION

11 **5760**
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

9/13/2011
Date

Reginald Allen
Attorney-at-law

Francisco Sanchez
Attorney for

215-242-3875

267-323-2037

Reginald Allen 089 Comcast

Telephone

FAX Number

E-Mail Address

SEP 14 2011

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCISCO SANCHEZ
34 N. ROSEHILL STREET
PHILADELPHIA, PA 19134

CIVIL ACTION NO.

AND

ALEJANDRA MOTA
34 N. ROSEHILL STREET
PHILADELPHIA, PA 19134

AND

FRANCISCO SANCHEZ AND
ALEJANDRA MOTA ON BEHALF
OF THEIR MINOR CHILD
ZULYMOR RIOS
34 N. ROSEHILL STREET
PHILADELPHIA, PA 19134

AND

FRANCISCO SANCHEZ AND
ALEJANDRA MOTA ON BEHALF
OF THEIR MINOR CHILD
JOHN RIOS
34 N. ROSEHILL STREET
PHILADELPHIA, PA 19134
V.

THE CITY OF PHILADELPHIA
C/O CITY OF PHILADELPHIA
LAW DEPARTMENT
1515 ARCH STREET, 14TH
FLOOR
PHILADELPHIA, PA 19102

JURY TRIAL DEMANDED

AND

POLICE OFFICER NATHAN RAMOS
C/O CITY OF PHILADELPHIA
LAW DEPARTMENT
1515 ARCH STREET, 14TH FL.
PHILADELPHIA, PA 19102

AND

CURRENTLY UNAMED AND
UNKNOWN CITY OF
PHILADELPHIA POLICE OFFICERS

COMPLAINT

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. S 1983. Jurisdiction is based on 28 U.S.C. S 1331 and 1343 (1), (3) (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental

jurisdiction of this Court to hear and adjudicate state law claims pursuant to 28 U.S.C. § 1367 (a) to hear and adjudicate state law claims.

PARTIES

2. Plaintiff is Francisco Sanchez who has an address of 34 N. Rosehill Street, Philadelphia, PA 19134.
3. Plaintiff is Alejandra Mota who has an address of 34 N. Rosehill Street, Philadelphia, PA 19134; Ms. Mota is the wife of Plaintiff Francisco Sanchez.
4. Plaintiffs are Francisco Sanchez and Alejandra Mota who are suing on behalf of their minor child, Zulymor Rios, all of whom have an address of 34 N. Rosehill Street, Philadelphia, PA 19134.
5. Plaintiffs are Francisco Sanchez and Alejandra Mota who are suing on behalf of their minor child, John Rios, all of whom have an address of 34 N. Rosehill Street, Philadelphia, PA 19134.
6. Defendant, the City of Philadelphia is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employs Defendant Police Officer Nahtan Ramos and the Defendants, the currently unnamed and unknown City of Philadelphia Police Officers referred to in the caption above.
7. Defendant Nathan Ramos and the Defendants, the currently unnamed and unknown City of Philadelphia Police Officers are employees of the City of Philadelphia, and at all times relevant to the averments of this Complaint, were acting under color of state law, and are being sued in their official and individual capacities.

FACTUAL ALLEGATIONS

8. On May 5, 2010 2009, Plaintiff Francisco Sanchez was located on his property located at 34 N. Rosehill Street, Philadelphia, PA 19134.
9. At the time and place referred to above, Plaintiff Sanchez was confronted by Defendant Rios, who with out provocation, struck Plaintiff Sanchez, (from hereinafter, "Sanchez") in the head with his gun, injuring and disorienting Sanchez - he may have lost consciousness.
10. Defendant Ramos then entered Sanchez's home without permission and encountered Plaintiff Alejandra Mota, who had seen him strike her husband

from the window - Ramos demanded that she tell him where some unknown alleged suspect had gone, or where he was.

11. Plaintiff Alehandra Mota (from hereinafter "Mota") informed him that she did not know what he was talking about; at that time, Plaintiffs Sanchez and Mota, minor children, Zulymar Rios and John Rios were present in the room, when Defendant Ramos confronted their mother with his gun drawn and pointed in all of their directions.

12. Defendant Ramos physically pushed Mota into the kitchen with the children and began interrogating her in front of the children, about an alleged suspect.

13. Defendant Ramos asked her who the man he struck, Plaintiff Sanchez was, and she responded that he was her husband and that he had not done anything wrong.

14. Defendant Ramos, and other currently unnamed and unknown police officers arrested Sanchez, and placed him in the back of a police cruiser; at that time, Sanchez was bleeding profusely from his head, and the blood was on his clothing.

15. Approximately twenty people observed some or all of the facts described in the preceding paragraphs, including that Sanchez was bleeding and injured.

16. Several of the persons referred to in paragraph 15 started demanding that the police get Sanchez medical attention; however, the Defendant Ramos and the other Defendant Police Officers, kept Sanchez in the back of the police cruiser for approximately 20 minutes, as he continued to bleed; the Defendants did not provide him any first aid.

17. While Sanchez was in the back of the police cruiser, they refused Mota's request to see her husband.

18. Upon information and belief the police arrested the person whom they were allegedly looking for somewhere in the neighborhood of Sanchez's home, shortly after or simultaneously when Defendant Ramos hit Sanchez in the head with his gun, and arrested him.

19. When Defendants put Sanchez in the police cruiser, they hit his head on the car, further injuring him.

20. Plaintiff Sanchez was taken to the hospital, where he remained for

approximately two hours, then he was taken to 24th Police District and then to prison, at CFCF, where he remained until he could post bail on May 7, 2010.

21. Plaintiff Sanchez was charged with aggravated assault, disarming a law enforcement officer without legal authorization, hindering the apprehension/prosecution and harboring or concealing a suspect, possession of an instrument of crime, simple assault, recklessly endangering another person, resisting arrest, robbery (infliction, threat of bodily injury), theft by unlawful taking - movable property, and receiving stolen property.

22. Plaintiff pled not guilty to all of the charges referred to in paragraph 21 above, and had a trial after which he was found not guilty of all charges on January 13, 2011.; at the hearing, Defendant Police Officer Ramos testified that Plaintiff had committed the crimes referred to in paragraph 21 above.

23. At the trial, multiple witnesses testified that Plaintiff Sanchez had done nothing wrong, and that he was merely minding his business on his property, at which time he was encountered by Defendant Ramos, and assaulted by him.

24. As a result of the incident/arrest on May 5, 2010, and his incarceration, Plaintiff Sanchez had to miss work for several weeks.

25. As a result of the acts of Defendants, Plaintiff Sanchez suffered extreme physical pain and suffering, and also suffered and continues to suffer severe emotional distress.

26. As a result of the acts of Defendants, Plaintiff Mota suffered physical pain from being grabbed and pushed by Defendant Ramos, and suffered and continues to suffer severe emotional distress, particularly from observing her husband being assaulted and arrested for no reason, and for having a gun pointed in her direction and in the direction of her children, and seeing her husband bleeding and injured, and not receiving first aid or medical treatment.

27. As a result of the acts of Defendants acts, both John Rios and Zulymar suffered severe emotional distress and psychological trauma, for which they received and are receiving psychological and/or emotional therapy.

28. Upon information and belief, Defendants made intentionally false statements to other members of the Philadelphia Police Department about

the alleged crimes that Plaintiff Sanchez was charged with, and continued and continue to make such false statements to the present, which falsely accuse Mr. Sanchez of being a criminal, harming his reputation as a law abiding person.

FIRST CAUSE OF ACTION

29. Plaintiffs incorporates paragraphs 1-28 above as though fully set forth herein by reference.

30. As a direct and proximate result of the Defendants' conduct, including that of the City of Philadelphia and its' Police Department and Police Officers, which was committed under color of state law, Plaintiff Sanchez was deprived of his right to be free from false arrest, unreasonable and excessive force, unlawful search and seizure, false imprisonment and deliberate indifference to the need for medical treatment. As a result of the Defendants' conduct Plaintiff suffered violation of his rights under the laws and the Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof, and 42 U.S.C. S 1983.

31. As a direct and proximate result of Defendants' conduct, including that of the City of Philadelphia and its Police Department and Police Officers, which was committed under color of state law, Plaintiff Mota was deprived of her right to be free from false arrest, unreasonable and excessive force, unlawful search and seizure . As a result of the Defendants' conduct she suffered violation of her rights under the laws and the Constition of the United States, in particular, the Fourth and Fourteenth Amendments thereof, and 42 U.S.C. S 1983.

32. As a direct and proximate result of Defendants' conduct, including that of the city of Philadelphia and its Police Department and Police Officers, which was committed under color of state law, Zulymar Rios and John Rios siffered violations of their rights to be free from false arrest, unreasonable and excessive force, and unlawful search and seizure. As a result of the Defendants' conduct, both Zulymar Rios and John Rios suffered violation of ther rights under the laws and the Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof, and 42 U.S.C.S 1983.

33. As a direct and proximate result of the acts of the Defendants, all Plaintiff suffered and continues to suffer severe emotional distress, loss of enjoyment of life, and economic loss, all to his detriment and harm.

34. Defendant city of Philadelphia has encouraged, tolerated, ratified and has been deliberately indifferent to the following police patterns, practices and customs and to the need for more or different training, supervision, investigation or discipline in the areas of:

- a. Intentionally falsely arresting citizens of Philadelphia, with the knowledge that they do not have sufficient evidence to satisfy probable cause, and conspiring to have such citizens arrested with misleading and/or stale evidence, upon their malicious desire to have persons who have committed crimes in the past further punished for those crimes, with the knowledge that they have served their sentences for the prior crimes; arresting suspects based on racial considerations, e.g., racial profiling.
- b. The use of unreasonable force, including potentially deadly force, excessive force and unlawful seizure by police;
- c. The proper exercise of police powers, including but not limited to the unreasonable use of force, the excessive use of force and unlawful seizure;
- d. The monitoring of police officers whom it knew or should have known were suffering from emotional and/or psychological problems which impaired their ability to function as officers;
- e. The failure to identify and take remedial or disciplinary action against police officers who were subject of prior civilian or internal complaints of misconduct;.
- f. Police officers' use of their status as police officers to selectively provide false and misleading evidence to the Philadelphia District Attorney's Office and the Court to attempt to ensure convictions and/or false imprisonment pending preliminary hearings and/or trials, against persons whom they selectively desire to be punished, including ex-convicts who have served their sentences, persons whom they have either previously arrested, or simply have stereotyped as being criminals.
- g. unlawful arrest, or arrests to achieve ends not reasonably related to their police duties;and

h. The failure of police officers to follow established policies, procedures, directives and instructions regarding how to properly investigate crimes.

35. The City of Philadelphia failed to properly sanction or discipline officers, who are aware of and/or aid and abet violations of constitutional rights of citizens by other Philadelphia Police Officers, thereby causing and encouraging Philadelphia police, including the defendant officers in this case, to violate the rights of citizens such as Plaintiff.

36. Defendants have by the above described actions deprived Plaintiff of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution in violation of 42 U.S.C. S 1983.

WHEREFORE, Plaintiffs requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable Attorney's Fees and Costs;
- d. Such other and further relief as appears reasonable and just;
- e. A jury trial as to each Defendant as as to each count.

SECOND CAUSE OF ACITON
SUPPLEMENTAL STATE CLAIMS

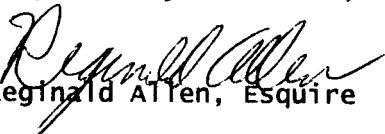
37. Plaintiff incorporates paragraphs 1-35 above as though fully set forth herein.

38. The acts and conduct of the City of Philadelphia Defendants, including its' Police Officers, in this cause of action constitute assault, battery, defamation, intentional infliction of emotional distress, malicious prosecution, false light privacy under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate these claims.

WHEREFORE, Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable Attorney's fees and costs;
- d. Such other and further relief as appears reasonable and just;
and
- e. A jury trial as to each Defendant and as to each count.

Respectfully submitted,


Reginald Allen, Esquire